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Attorneys for Plaintiffs
Dennis Hof and Cherry Patch LLC

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

DENNIS HOF, an individual; CHERRY
 PATCH LLC, a Nevada limited liability
 company,

Plaintiffs,

vs.

NYE COUNTY; NYE COUNTY BOARD OF
 COUNTY COMMISSIONERS; DAN
 SCHINHOFEN (in his personal and official
 capacity as an employee of Nye
 County); NYE COUNTY SHERIFF'S OFFICE;
 SHARON WEHRLY (in her official
 capacity as an employee of Nye
 County); JANE DOE; and JOHN ROE,

Defendants.

Case No. 2:18-cv-00211-RFB-GWF

**STIPULATION TO EXTEND DISCOVERY
 DEADLINES
 (First Request)**

IT IS STIPULATED AND AGREED by and between the undersigned counsel for
 the parties that Discovery and Scheduling order [Doc. #13] in Case No. 2:18-cv-
 01492-GMN-NJK be amended and that the deadlines be extended for a period

of 60 days from the date of the filing this stipulation. This Request for extension is done for good cause and not for purposes of delay.

1. Reasons why Discovery Deadlines Should be Extended.

The Parties have spent several weeks negotiating the details of a previously agreed upon early mediation. However, there has been a substantial change in circumstances, and the parties are now at an impasse regarding mediating a settlement. Due to the good faith mediation talks, neither party has propounded discovery.

2. Discovery Completed to Date

To date the Parties have not completed any discovery other than the exchange of initial disclosures.

3. Discovery Remaining to be Completed

- a. Written discovery needs to be propounded upon the Defendants.
- b. Written discovery needs to be propounded upon the Plaintiffs.
- c. Depositions of the Parties, possible witnesses, and experts need to be set.
- d. Expert disclosures need to be propounded upon the Defendants.
- e. Expert disclosures need to be propounded upon the Plaintiffs.

4. Reason(s) Why Discovery has not been Completed

The parties have been engaged in good faith mediation talks and delayed taking discovery in favor of hopefully mediating and settling this case. The Parties agreed to mediation and had already agreed upon conditions and potential mediators. The Parties further discussed staying discovery pending the mediation. However, there has recently been a substantial change of circumstances. Plaintiffs filed a new civil rights

1 complaint and moved for a temporary restraining order against many of
2 the same named Defendants on August 10, 2018. This new case is in
3 addition to a second civil rights complaint that Plaintiffs filed against many
4 of the same Defendants on June 9, 2018. Plaintiffs assert new claims under
5 42 U.S.C. § 1983 in the following cases:

6 *Hof v. Nye County, et al.*, Case No. 2:18-cv-01492

7 *Hof v. Nye County, et al.*, Case No. 2:18-cv-01050

8 Plaintiffs filed its most recent civil rights complaint last week alleging
9 violations of Plaintiffs' Fourteen and First Amendment rights.

10 Accordingly, mediation talks have broken down and now neither
11 Party wishes to mediate at this time.

12 Further, the extensive hearing and briefing schedule of the Parties'
13 counsel resulted in difficulty meeting with the Parties' respective clients to
14 discuss and work on interrogatories and requests for production to the other
15 party. For example, the extensive briefing in the new civil rights cases for
16 both Parties has made it difficult to collect evidence for the first case.

17 The Parties respectfully submit that this constitutes a compelling
18 reason for the extension on discovery deadlines in this case.

19 **5. Discovery Cut-Off Date:** The Defendants filed their Answer on
20 April 16, 2018. The Discovery time period is normally 180 days, but with the
21 60-day extension, the Parties agree that the Discovery cut-off date shall be
22 **Wednesday, December 12, 2018.**

23 **6. Last Date to Disclose Experts:** The deadlines in Fed. R. Civ. P.
24 26(a)(2)(D) for expert disclosures are modified to require that the disclosures
25 be made 60 days before the discovery cut-off date. Because October 13,
26 2018 falls on a Saturday, the last date to disclose experts is **Monday,**
27 **October 15, 2018.**

1 **7. Deadline for Rebuttal-Expert Disclosures:** Disclosures identifying
2 rebuttal experts shall be made 30 days after the disclosure of experts and
3 no later than **Monday, November 12, 2018**.

4 **8. Dispositive Motions:** The filing deadline for dispositive motions is
5 30 days after the discovery cut-off date. Thus, the deadline shall be Friday,
6 January 11, 2019.

7 **9. Motions in Limine/ Daubert Motions**

8 Under LR 16-3(b), any motions in limine, including Daubert type motions,
9 shall be filed and served 30 days prior to the commencement of trial and
10 oppositions shall be filed and served 15 days thereafter. Reply briefs will only be
11 allowed with leave of the Court.

12 **10. Deadline for Joint- Pretrial Order:** Pursuant to LR26(1)(e)(5) the
13 Joint Pretrial Order shall be filed by February 10, 2019, 30 days after the
14 dispositive-motion deadline. Since February 10, 2019 is a Sunday, the
15 parties agree that the deadline is **Monday, February 11, 2019**. In the event
16 that dispositive motions are filed, the date for filing the joint pretrial order
17 shall be suspended until the Court issues its decision on any dispositive
18 motions or further order of the court. The disclosures required by Fed. R.
19 Civ. P. 26(a)(3) and any objections shall be included in the final pretrial
20 order, and must be filed at least 30 days prior to trial in accordance with
21 FRCP 26(a)(3)(B).

22 **11. Interim Status Report:** In accordance with LR 26-3, the parties
23 shall file the interim status report by October 13, 2018 which is 60 days prior
24 to the discovery cut-off date. Because October 13, 2018 is a Saturday, the
25 deadline shall be **Monday, October 15, 2018**.

1 IT IS SO STIPULATED.

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3 Dated this 16th day of August, 2018 Respectfully Submitted,
4 RANDAZZA LEGAL GROUP, PLLC
5 /s/ Marc J. Randazza
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IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE
Dated: 8-17-2018